THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9597 of 2007

Dated: 01-05-2007

Between:

D. Sayanna.

..... PETITIONERS

AND

The Divisional Forest Officer,
Forest Department, Medak, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9597 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.1543.15 gts in survey Nos. (New) 181 and 182 situated at Kazipally Village, Jinnaram Mandal, Medak District. He alleges that he has been in peaceful possession and enjoyment of the land. As in recent times the Forest Department is claiming his land, in order to protect his land, he filed an application on 09.01.2007 to the respondents for survey, in vain. Aggrieved by the same, he filed instant writ petition seeking such direction.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue and perusing the affidavit accompanying the writ petition, this Court is of

the considered opinion that inaction on the part of the respondents, if any, in not taking up survey cannot be treated as arbitrary or capricious. Admittedly the petitioner approached the respondents only on 09.01.2007. Therefore, applying the ratio in **Mir Fazle Ali Nasiri v. State of A.P. and others**[1] this Court is not inclined to entertain the writ petition at present. The petitioner may pursue the matter with the respondents.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

01st May, 2007
ghn

[1] 2007(2) ALD 3